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The rule of law at the national and international levels

Programme budget for the biennium 2008-2009

Revised estimates relating to the programme budget for the biennium 2008-2009 related to the Rule of Law Unit

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on revised estimates relating to the programme budget for the biennium 2008-2009 related to the Rule of Law Unit (A/63/154). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information.

2. The Secretary-General's report is submitted in response to paragraph 4 of General Assembly resolution 62/70, in which the Assembly expressed its support for the establishment of the Rule of Law Coordination and Resource Group and the Rule of Law Unit in the Executive Office of the Secretary-General under the leadership of the Deputy Secretary-General, and requested the Secretary-General to provide details on the staffing and other requirements for the Rule of Law Unit without delay to the Assembly for its consideration during the sixty-second session, in accordance with existing relevant procedures. The Secretary-General indicates, in paragraph 2 of his report, that the delay in issuance of the report was due to extensive consultations with the Rule of Law Coordination and Resource Group.

3. The report of the Secretary-General describes the establishment of the Rule of Law Coordination and Resource Group and the Rule of Law Unit and provides details concerning the functions of the Unit. The Committee notes that more than 40 entities are currently active in the field of the rule of law. The Rule of Law Coordination and Resource Group was established to act as focal point at Headquarters for coordination of system-wide attention to the rule of law. It is an inter-agency mechanism consisting of the principals of the Department of Peacekeeping Operations, the Department of Political Affairs, the Office of Legal Affairs, the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner

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for Refugees (UNHCR), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the United Nations Development Fund for Women (UNIFEM) (see A/63/154, para. 7). The Deputy Secretary-General chairs the Group, and the Rule of Law Unit supports both the Deputy Secretary-General and the Group. Further information on strengthening and coordinating United Nations rule of law activities is contained in the report of the Secretary-General (A/63/226). The Committee notes that on 14 November 2008, the Sixth Committee of the General Assembly adopted a draft resolution (A/C.6/63/L.17) on the rule of law at the national and international levels.

4. Upon enquiry, the Advisory Committee was informed that a division of responsibilities had been established among the key United Nations actors in the field of the rule of law and that designated lead entities are intended to assume coordination and other responsibilities for specific areas. The United Nations has rule of law activities in over 110 countries, of which 16 host Security Council-mandated peace operations. In the other locations, rule of law activities are carried out by one or more United Nations entities, at the request of the Member State concerned, in the context of supporting recipient countries' national development strategies and plans. Most requests are made by national authorities to the United Nations Resident Coordinator at the country level.

5. With regard of the resource requirements of the Unit, the Committee notes that the Secretary-General had envisaged the Unit to be comprised "of up to four Professional staff, to be seconded from key United Nations actors during the initial phase" (A/61/636 and Corr.1-S/2006/980 and Corr.1, para. 49). The Secretary-General indicates in his current report (A/63/154) that four staff members in the Professional category were made available to the Unit from UNDP (1 D-2 and 1 P-3), the Department of Peacekeeping Operations (1 P-4), and the Office of Legal Affairs (1 P-5). However, upon enquiry, the Advisory Committee was informed that the Unit was currently operating with only two seconded personnel, namely one D-2 staff member from UNDP and one P-4 staff member from the Department of Peacekeeping Operations, and that the Office of Legal Affairs had made available one P-5 staff member for five months during 2007 for the initial start-up phase only. The Committee was further informed that subsequent to the issuance of the report of the Secretary-General, it had been determined that current arrangements with regard to the two seconded staff members would be continued into early 2009.

6. The Secretary-General is requesting the establishment of seven new posts (1 D-2, 1 P-5, 2 P-4, 1 P-3 and 2 General Service (Other level)) for the Unit effective 1 January 2009, for which additional resources in the amount of $588,700 would be required. Upon request, the Committee was provided with an organization chart showing the proposed structure (see annex). The Secretary-General indicates that the Unit would also require general temporary assistance resources in the amount of $35,000, representing six months at the General Service level to meet peak workloads, as well as operational costs in the amount of $330,100 for office accommodation, commercial communications, supplies, furniture and equipment related to the establishment of the seven posts (see A/63/154, paras. 16 and 17).

7. As indicated in paragraph 5 above, the Secretary-General's original intention was to create a dedicated Rule of Law Assistance Unit, drawing heavily on existing staff within the United Nations system (A/61/636 and Corr.1-S/2006/980 and Corr.1, para. 3, and A/59/2005, para. 137). **The Committee points out that the secondment**

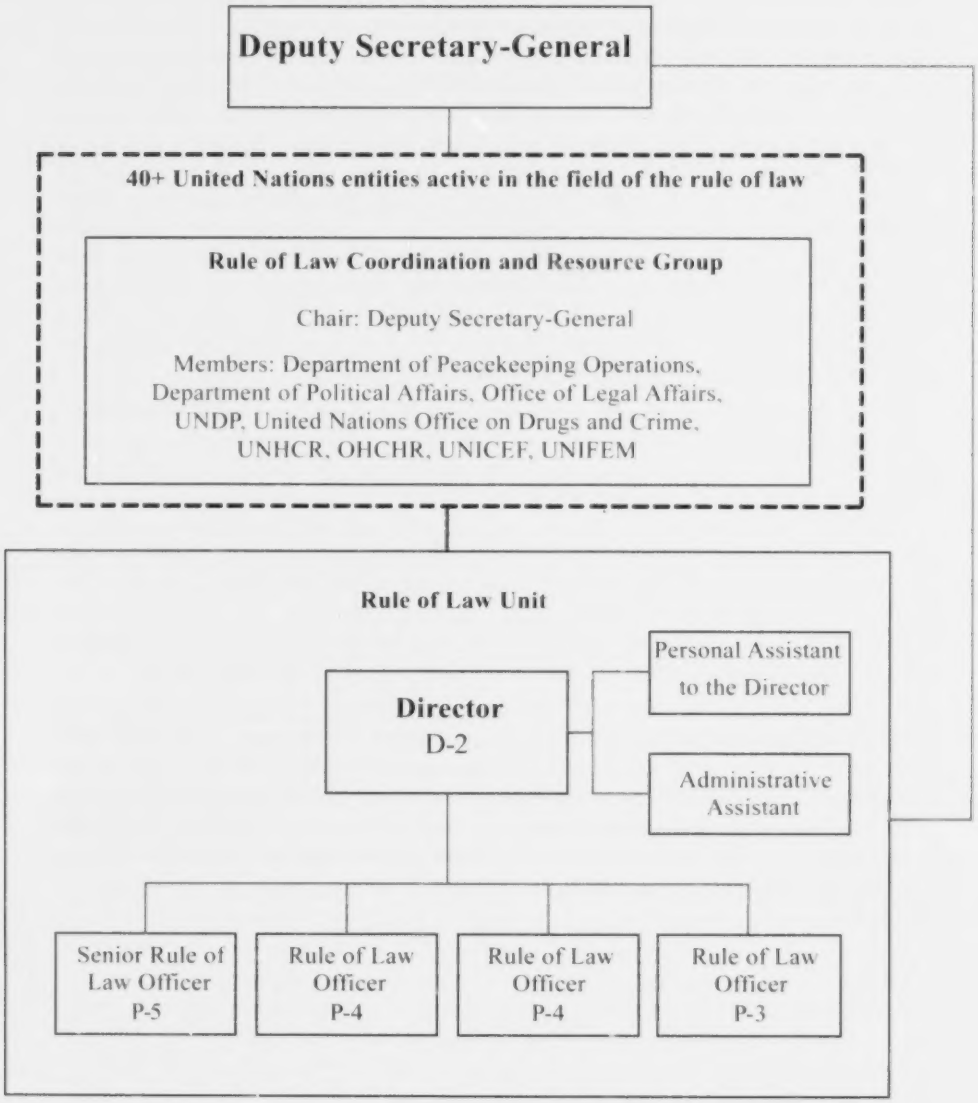
of staff from various entities working in the field of rule of law not only permits the Unit to benefit from the experience of those entities but also promotes a sense of ownership of the process on the part of those entities and thus facilitates coordination. Furthermore, the Committee is concerned that the request for seven new posts in the middle of the biennium is symptomatic of a lack of both planning and of budgetary discipline. Accordingly, the Committee recommends that the General Assembly request the Secretary-General to ensure that the staff required for 2009 continue to be provided through secondment (preferably of existing personnel) and that he ask those entities which form part of the Rule of Law Coordination and Resource Group to provide personnel for the Unit, bearing in mind that the secondment of Secretariat personnel is within the purview of the Secretary-General as Chief Administrative Officer of the Organization. In this connection, the Committee recalls that it has in the past emphasized the need for the Secretary-General to manage the Secretariat as a whole (A/58/7 and Corr.1, para. 75). Should it be determined that additional staff is required from the resources of the programme budget of the United Nations, such a request could be made in the proposed programme budget for the biennium 2010-2011.

8. In his report, the Secretary-General notes that in August 2007, the Deputy Secretary-General requested voluntary contributions from Member States to fund activities of the Unit, including, inter alia, the design of a United Nations system-wide rule of law website, development of a United Nations rule of law database as a repository for all materials, lessons learned and best practices, organization of workshops and seminars that bring together United Nations entities with a wide range of partners (A/63/154, para. 20). Upon enquiry, the Advisory Committee was informed that, as at 14 November 2008, voluntary contributions of $548,344 had been received, an additional £220,000 had been pledged and $102,859 had been spent. **The Advisory Committee welcomes these voluntary contributions.**

9. The actions to be taken by the General Assembly in connection with the revised estimates relating to the programme budget for the biennium 2008-2009 related to the Rule of Law Unit are indicated in paragraph 23 of the report of the Secretary-General (A/63/154). **Taking into account its recommendations and observations in the paragraphs above, as well as the extrabudgetary resources available, the Advisory Committee recommends against approval of the additional resources requested in paragraph 23 of the report of the Secretary-General.**

Annex

Organization chart


Deputy Secretary-General
40+ United Nations entities active in the field of the rule of law
Rule of Law Coordination and Resource Group
Chair: Deputy Secretary-General
Members: Department of Peacekeeping Operations, Department of Political Affairs, Office of Legal Affairs, UNDP, United Nations Office on Drugs and Crime, UNHCR, OHCHR, UNICEF, UNIFEM
Rule of Law Unit
Director
D-2
Personal Assistant to the Director
Administrative Assistant
Senior Rule of Law Officer
P-5
Rule of Law Officer
P-4
Rule of Law Officer
P-4
Rule of Law Officer
P-3